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ENVIRONMENTAL PROTECTION
AGENCY, REGION II
NEW YORK, N.Y.

AUG 11 1986

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PERMITS ADMINISTRATION
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CERTIFIED MAIL--
RETURN RECEIPT REQUESTED

Robert L. Iuliucci
Manager of Environmental Engineering
Sun Chemical Corporation
4605 Este Avenue
Cincinnati, Ohio 45232

NJD002 458842

Re: In the Matter of Sun Chemical Corporation
Docket No. II RCRA-85-0123

Dear Mr. Iuliucci:

Enclosed is a copy of the Consent Agreement and Consent Order
in the above-referenced proceeding, signed by the Regional
Administrator of the U.S. Environmental Protection Agency.

Upon your receipt of this Order, the sixty-day period for
payment of the civil penalty commences. Please arrange for
payment of this penalty according to the instructions given in
the Order.

Sincerely yours,

Stuart R. Deans
Assistant Regional Counsel
Waste and Toxic Substances Branch
Office of Regional Counsel

Enclosures

cc: Gerard Burke, Esq. (NJDEP)
bcc: Bob Small, (WH-527)
Laura Livingston, 2PM-PA ✓
Sam Ezekwo, 2AWM-SW
Ronald Gherardi, 2PM-FIN
Nereida S. Sotomayor, (2PHC)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II

-----X
In the Matter of :

SUN CHEMICAL CORPORATION :
Newark, New Jersey 07100 :
NJD002458842 :

Respondent. :

CONSENT AGREEMENT
AND
CONSENT ORDER

Proceeding Under Section 3008 of the : Docket No. II RCRA-85-0123
Solid Waste Disposal Act, as amended :
-----X

PRELIMINARY STATEMENT

This administrative proceeding was instituted pursuant to Section 3008 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA) and the Hazardous and Solid Waste Amendments of 1984 (HSWA), codified at 42 U.S.C. §§6901 et seq. (the "Act").

The Director of the Air and Waste Management Division of the U.S. Environmental Protection Agency ("EPA"), Region II, Complainant in this proceeding, issued a Complaint, Compliance Order and Notice of Opportunity for Hearing to Respondent on September 30, 1985. Said document charged Respondent with certain violations of the New Jersey Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., and the regulations promulgated thereunder, as follows:

1. Respondent owns and operates a facility located at 185 Foundry Street, Newark, New Jersey 07100.
2. By notification dated August 6, 1980, Respondent informed EPA that it conducts activities at the facility involving "hazardous waste" as that term is defined in Section 1004 (5) of the Act, 42 U.S.C. §6903(5) and in 40 CFR §261.3. By application dated November 17, 1980, Respondent requested a permit to conduct its hazardous waste activities.
3. New Jersey Administrative Code (N.J.A.C.) Title 7, Chapter 26, sets standards for hazardous waste treatment, storage and disposal facilities.
4. N.J.A.C. 7:26-9.8 requires the owner or operator of a hazardous waste treatment, storage or disposal facility to prepare and maintain at the facility a copy of a plan to close the facility in a manner that minimizes or eliminates the post-closure release of hazardous waste or hazardous waste constituents. This section also sets forth the elements that must be included in a closure plan.
5. N.J.A.C. 7:26-9.10 requires that the owner or operator of a hazardous waste facility have a written estimate of the cost of closing the facility. This section also sets forth the elements that must be included in a cost-estimate.

6. Section 3007 of the Act, 42 U.S.C. §6927, allows EPA to request certain information from parties that handle hazardous waste. On or about June 17, 1985 EPA requested that Respondent submit a copy of the closure plan and cost-estimate for review.

7. On or about June 24, 1985, Respondent submitted a copy of the closure plan and cost estimate to EPA. Based upon a review of the closure plan and cost estimate, EPA determined that Respondent did not provide sufficient information to meet the requirements of N.J.A.C. 7:26-9.8 and 9.10. EPA made a determination that Respondent was in violation of N.J.A.C. 7:26-9.8 and 7:26-9.10.

CONSENT AGREEMENT

Based on the foregoing, and pursuant to Section 3008 of the Act, and Section 22.18 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR §22.18, it is hereby agreed that Respondent shall hereafter comply with all relevant regulations promulgated pursuant to New Jersey law and the following terms:

1. For the purpose of this proceeding and in the interest of settling this matter expeditiously, Respondent (a) admits the jurisdictional allegations of the Complaint; (b) admits the factual statements contained in this Agreement; and (c) neither concedes nor contests the conclusions of law contained in this Agreement.

2. Respondent expressly waives the right to request a hearing on any issue contained in this Agreement.

3. Respondent consents to the issuance and terms of the Final Order hereinafter cited and to the assessment of the stated penalty set forth therein.

4. Respondent shall, by the effective date of the accompanying Order, submit to EPA for approval a closure plan/cost-estimate sufficient to meet the requirements of N.J.A.C. 7:26-9.8 and 9.10.

5. Respondent shall continue to maintain, amend and update the closure plan and cost-estimate as required by N.J.A.C. 7:26-9.8 and 9.10.


Within sixty (60) days of receipt of a signed and executed copy of this Consent Agreement and Consent Order, Respondent shall pay, by cashier's or certified check, a civil penalty for the violations cited herein in the amount of One Thousand, Five Hundred Dollars (\$1,500.00), payable to the "Treasurer, United States of America." Such payment shall be remitted to the EPA Region II, (Regional Hearing Clerk), P.O. Box 360188M, Pittsburgh, Pennsylvania, 15251. Failure to either remit such payment in full or to fully comply with the terms of this Agreement will result in the referral of this matter to the United States Attorney for appropriate action. Furthermore, if payment is not received by the due date established herein, interest will be assessed on the overdue payment for each thirty (30) day

period or portion thereof. The interest rate assessed will be based on the current value of funds to the U.S. Treasury at the time the Order is issued and will remain in effect until payment is received.

This Consent Agreement is being entered into by the parties in full settlement of all liabilities which might have attached as a result of the proceedings.

RESPONDENT:

BY:



SUN CHEMICAL CORPORATION

NAME: Paul W. Klein

TITLE: V.P. & General Manager
Colors Group

DATE: May 27, 1986

COMPLAINANT:


CONRAD SIMON

Director

Air and Waste Management Division

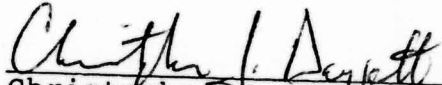
DATE:

August 5, 1986

CONSENT ORDER

The Regional Administrator of EPA, Region II, concurs in the foregoing Consent Agreement. The Agreement, and all its terms and conditions, is hereby approved and incorporated herein. This Order is hereby issued effective immediately.

So Ordered.

 8/5/86
Christopher J. Daggett
Regional Administrator
U.S. Environmental Protection
Agency
Region II
26 Federal Plaza
New York, New York 10278